

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

LEON KINCHEN	*	CIVIL ACTION NO. 12-0645
VS.	*	JUDGE HAIK
STATE OF LOUISIANA, ET AL	*	MAGISTRATE JUDGE HILL

ORDER

Review of the complaint reveals that defendant, Becket Breaux, was sued individually. Review of the answer filed by the defendant reveals that he has asserted the defense of qualified immunity. To the extent that the defendant was sued in his individual capacity, the heightened pleadings requirements apply. *See Baker v. Putnal*, 75 F.3d 190, 195 (5th Cir. 1996).

The undersigned finds that the allegations are insufficient as to the defendant. Accordingly, pursuant to the suggestion in *Schultea v. Wood*, 47 F.3d 1427, 1432-34 (5th Cir. 1995), **IT IS ORDERED** that the plaintiff file a Fed. R. Civ. P. 7(a) reply to the qualified immunity defense pled by the defendant **within twenty (20) days of receipt of this order**. Specifically, the reply shall state as to the defendant: (1) the constitutional rights that said defendant personally violated; (2) the facts that support the allegations against said defendant; and (3) the reasons why said defendant is not entitled to qualified immunity.

Failure to comply with this order will invite the imposition of sanctions under Federal Rule of Civil Procedure 16(f), including possible dismissal of all claims. *See Reyes v. Sazan*, 168 F.3d 158 (5th Cir. 1999). Should plaintiff fail to file the Rule 7(a) reply, defense counsel shall promptly notify the court by filing an appropriate motion.

Signed in Lafayette, Louisiana, this 31st day of July, 2012.


C. MICHAEL HILL
UNITED STATES MAGISTRATE JUDGE